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101

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/101,518 12/21/98 LI

Y PF218US

022195
HUMAN GENOME SCIENCES INC
9410 KEY WEST AVENUE
ROCKVILLE MD 20850

HM22/0328

EXAMINER

PAK, M

ART UNIT

PAPER NUMBER

1646

DATE MAILED:

03/28/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/101,518

Applicant(s)

Li

Examiner

Michael Pak

Group Art Unit
1646



☐ Responsive to communication(s) filed on _____

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 1 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-28 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☐ Claim(s) _____ is/are rejected.

☐ Claim(s) _____ is/are objected to.

☒ Claims 1-28 are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

DETAILED ACTION

Election/Restriction

1. Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in response to this action, to elect a single invention to which the claims must be restricted.

Group 1: claims 1-12, drawn to the polynucleotide encoding human G-protein Chemokine receptor, vector constructs, host cells, process of producing a polypeptide and process of producing cells.

Group 2: claims 13 and 27, drawn to human G-protein Chemokine receptor.

Group 3: claim 14, drawn to an antibodies;

Group 4: claim 15, drawn to an agonist.

Group 5: claim 16, drawn to an antagonist.

Group 6: claim 17 drawn to a method of treatment with agonist.

Group 7: claim 18, drawn to a method of treatment with antagonist.

Group 8: claim 19 drawn to a method of human gene therapy;

Group 9: claim 20 drawn to a second method of human gene therapy.

Group 10: claim 21, drawn to a method for identifying compounds which activate.

Group 11: claim 22, drawn to a method for identifying compounds which inhibit.

Group 12: claims 23-26 drawn to a method of diagnosis;

Group 13: claim 28 drawn to a second method of diagnosis.

The inventions listed as Groups 1-13 do not relate to a single inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons.

The special technical feature of Group I is the polynucleotide. Pursuant to 37 CFR 1.475(d), these claims are considered by the ISA/US to constitute the main invention, and none of the related groups 2-13 correspond to the main invention.

The products of Groups 2-5 do not share the same or corresponding special technical feature with Group 1, because they are drawn to products having materially different structures and functions, and each defines a separate invention over the art.

The methods of Groups 6-13, do not share the same or corresponding special technical feature with Group 1, because the methods have materially different process steps and are practiced for materially different purposes, and each defines a separate invention over the art.

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Art Unit: 1646

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Since Groups 1-13 do not share a special technical feature, unity of invention is lacking.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).


Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 C.F.R. § 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a filed petition under 37 C.F.R. § 1.48(b) and by the fee required under 37 C.F.R. § 1.17(h).

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Pak, whose telephone number is (703) 305-7038. The examiner can normally be reached on Monday through Friday from 5:50 AM to 2:20 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yvonne Eyler, can be reached on (703) 308-6564.

Official papers filed by fax should be directed to (703) 308-4242. Faxed draft or informal communications with the examiner should be directed to (703) 308-0294.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0196.


Michael Pak
Primary Patent Examiner
Art Unit 1646